



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA  
Chief Executive Officer

January 10, 2014

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To: Supervisor Don Knabe, Chairman  
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From: William T Fujioka  
Chief Executive Officer

**MOTION TO DIRECT THE CHIEF EXECUTIVE OFFICE AND LEGISLATIVE ADVOCATES IN SACRAMENTO TO PURSUE LEGISLATION TO ENHANCE STATE MONITORING OF FOSTER FAMILY AGENCIES; AND PROVIDE ACCESS TO CRIMINAL WAIVERS ISSUED ON BEHALF OF FOSTER FAMILY AGENCY EMPLOYEES AND FOSTER PARENTS IN THE COUNTY (ITEM NO. 5, AGENDA OF JANUARY 14, 2014)**

Item No. 5 on the January 14, 2014 Agenda is a motion by Supervisor Antonovich recommending that the Board of Supervisors direct the Chief Executive Office and legislative advocates in Sacramento to seek legislation that will:

1. Enhance State monitoring of foster family agencies (including both staff and the homes where children are placed); or contract with the counties to perform this function; and
2. Provide full access to a database of criminal waivers that have been issued on behalf of foster family agency employees and foster parents in the County.

**Background and Existing Law**

Foster Family Agencies (FFAs) are privately operated, nonprofit entities which recruit, certify, and train foster parents; provide support to foster parents; and find homes or other temporary or permanent placements for children in foster care who require intensive services. FFAs are licensed by the California Community Care Licensing Division (CCLD) to care for children up to age 18 in certified foster family homes, and must have an Aid to Families with Dependent Children - Foster Care (AFDC-FC) rate

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established by the California Department of Social Services (CDSS), to accept placements from county social services or probation departments. Under existing law, FFAs are responsible for monitoring and providing oversight of the homes they certified and have authority to decertify homes when necessary.

Furthermore, under current law, all applicants, licensees, adult residents, employees and volunteers of FFAs are required to obtain a criminal record clearance conducted by the California Department of Justice (DOJ), or an exemption from this requirement, prior to being alone or having supervisory control of foster children. If the individual has no criminal history, DOJ will forward a clearance notice to the applicant or licensee and to the CCLD, Caregiver Background Check Bureau. Results of the DOJ clearance for individuals who have no felony or misdemeanor convictions are listed on the California Background Clearance Listing for 30 days, which the Department of Children and Family Services indicates it does not have access to. After 30 days, a FFA licensee may verify clearances by calling the local CCLD regional office.

Certain arrests and all convictions, other than minor traffic violations, require an exemption to allow an individual to be employed by an FFA. Individuals convicted of serious crimes including child abuse or neglect, crimes against a child, child pornography and crimes such as murder, robbery, spousal abuse, rape, sexual battery, elder or dependent adult abuse, arson, kidnapping or a felony conviction within the last five years, for physical assault, battery, or a drug- or alcohol-related offense are not eligible for an exemption.

According to County Counsel, pursuant to Health and Safety Code Section 1522, an exemption may be granted by CDSS only when, after reviewing the person's record, there is substantial and convincing evidence to support a reasonable belief that the person convicted of the crime is of good character to justify issuance of the exemption. For certain types of criminal convictions, the standard requires the person to have been rehabilitated pursuant to provisions of the Penal Code, to have maintained certain required conduct for 10 years and to have other items of documentation. An individual with an unacceptable criminal record may not be present in the facility until the exemption is granted.

### **County Impact**

The Department of Children and Family Services (DCFS) and the Auditor-Controller conduct fiscal and programmatic audits of County-contracted FFAs. Records reviewed may include a notice that a foster parent or employee received an exemption, however, details as to why the exemption was granted are not included. In addition, DCFS

indicates it does not have access to a listing of all foster parents and employees who have received an exemption granted by CDSS. It is important to note that currently, there is not a State database for DCFS or other county child welfare agencies to access directly containing the names of persons who have been granted exemptions by CDSS. DCFS can contact CDSS on a case-by-case basis; however, the information that they are able to obtain is limited.

The Department of Children and Family Services indicates that without having full access to exemption records, counties lack critical information needed to effectively evaluate and monitor FFA placements, or to assess if the provisions of existing law were met when the exemption was granted. DCFS notes that, based on its experience, some individuals who are granted exemptions have a wide variety of criminal convictions that may pose a substantial risk to child safety.

### **Foster Family Agency and Group Home Reform**

Pursuant to SB 1013 (Chapter 35, Statutes of 2012), the 2012 Child Welfare Services Realignment Budget Trailer Bill, CDSS established, in consultation with counties and other stakeholders, a workgroup to develop recommended revisions to the current rate setting, services and programs serving children and families in the continuum of AFDC-FC placement settings, including all programs provided by FFAs and group homes.

The workgroup is required to consider how changes in the licensing, rate setting, and auditing processes can improve the quality of foster care providers, and enhance the oversight of care provided to children. SB 1013 requires the workgroup to submit a report with recommendations to specified Assembly and Senate committees by October 1, 2014. DCFS has participated in two of the CDSS Continuum of Care Reform (CCR) workgroups. The issue of criminal record information has not been discussed at any of the workgroups or meetings that DCFS has participated; however, there could be an opportunity to raise this issue through this venue as well.

### **Governor's Budget Proposal for Community Care Licensing**

Additionally, on January 9, 2014, Governor Brown released his FY 2014-15 Proposed Budget which includes \$7.5 million statewide and 71.5 new positions for quality enhancement and program improvement in Community Care Licensing investigations and enforcement, which would be funded, in part, by a proposed 10 percent increase in licensing fees. According to the Governor's plan, the budget proposal is in response to a number of high-profile incidents at children's and adult residential care facilities licensed by the State.

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### **Conclusion**

**There is no existing Board-approved policy related to enhancing State monitoring of foster family agencies or contracting with counties to perform this function, and providing full access to a database of criminal waivers that have been issued on behalf of foster family agency employees and foster families in the County. Therefore, pursuing legislation in Sacramento is a matter of Board policy determination.**

WTF:RA  
MR:OR:ma

c: Executive Office, Board of Supervisors  
County Counsel